

Search Warrant

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of

A white trailer, parked/located in the backyard at New
NHA#11 in Dilkon, Arizona 86047

Case No. 22-4141mb

ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Arizona.
(identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before May 25, 2022
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the United States Magistrate Judge on duty.

Honorable Camille D. Bibles.

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30)

☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Camille D. Bibles

Digitally signed by Camille D. Bibles
Date: 2022.05.11 16:41:28 -07'00'

Judge's signature

City and State: Flagstaff, ArizonaHonorable Camille D. Bibles, U.S. Magistrate Judge

Printed name and title

Return

Case No.: 22-4141mb

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

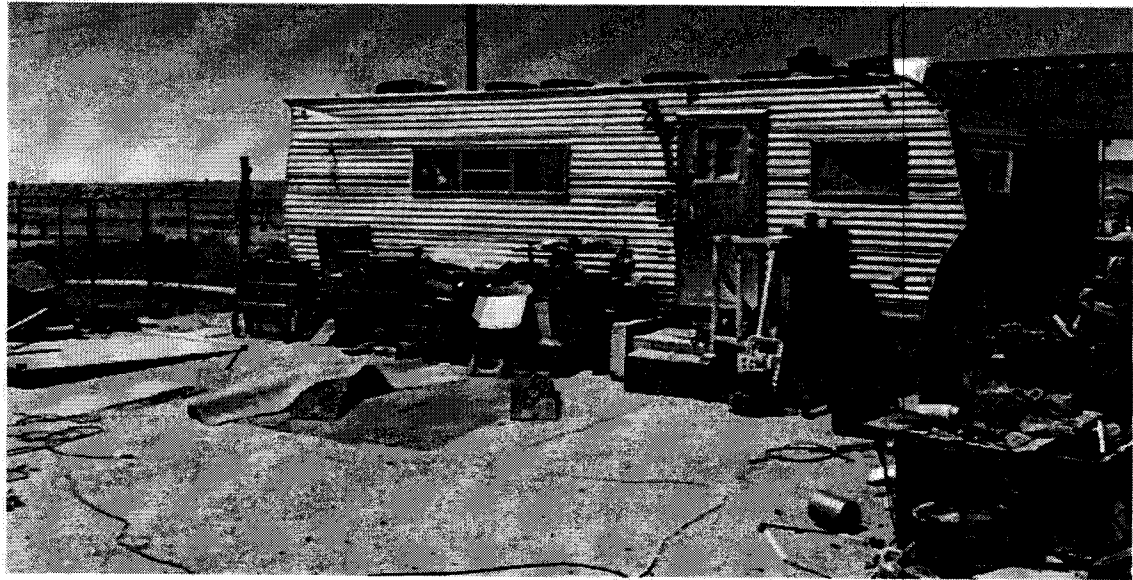
Date: _____

*Executing Officer's Signature*_____
Printed Name and Title

ATTACHMENT A - PROPERTY TO BE SEARCHED

ADDRESS/LOCATION: A white trailer, parked/located in the backyard at New NHA#11 in Dilkon, Arizona 86047

PHOTO ATTACHED: Yes.



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any firearms, firearm projections, ammunition, spent shell casings, or magazines in the residence, including but not limited to:
 - A .45 caliber Taurus handgun
 - An AR style firearm
2. Any indicia, receipts, records or documentation related to the purchase of a firearm or ammunition.
3. Indicia of occupancy and/or ownership of the residence, including things such as: mail (e.g. bills) that may be addressed to the occupant(s); driver's licenses and/or identification cards; personal property such as clothing that may identify the owners and/or occupants of the residence; and photographs of the occupants of the structure.
4. Photographs and/or video of the residence and the things seized.

FAX or Internet

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of:

A white trailer, parked/located in the backyard at
New NHA#11 in Dilkon, Arizona 86047

Case No. 22-4141mb

ELECTRONIC APPLICATION FOR SEARCH AND SEIZURE WARRANT

I, F.B.I. Special Agent Jenifer J. Mulhollen, a federal law enforcement officer for the government, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A.

located in the District of Arizona, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §§ 922 (g)(1) and 924(a)(2)

Offense Description

Felon in possession of firearm and ammunition

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached Affidavit).
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Emma Mark

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.



Applicant's Signature

Jenifer J. Mulhollen, F.B.I. Special Agent
 Printed Name and Title

Sworn by Telephone

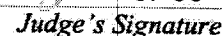
Date/Time: _____

Date: _____

City and State: Flagstaff, AZ

Camille D.
 Bibles

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 Camille D. Bibles
 Date: 2022.05.11 16:40:56
 -07'00'



Camille D. Bibles,
 United States Magistrate Judge
 Printed Name and Title

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT

I, FBI Special Agent Jenifer J. Mulhollen, state under oath as follows:

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since February 2013. As a SA of the FBI, I am an "investigative or law enforcement officer" within the meaning of 18 United States Code § 2510(7), that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. In the course of my official duties, I am charged with the investigation of crimes occurring on the Navajo Nation Indian Reservation (Navajo Nation) within the District of Arizona. Based on my training, education, and experience, I know that the Navajo Nation is a federally recognized tribe.

2. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, officers and witnesses.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause, your Affiant has not included every fact known to your Affiant concerning this investigation.

INTRODUCTION

4. As discussed below, there is probable cause to believe that CHARLES TRUAX ("TRUAX") possessed a firearm and ammunition, in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(a)(2), occurring within the District of Arizona. This affidavit is made in support of a search warrant for information or items of evidence contained within TRUAX'S residence in Dilkon, Arizona, as described in **Attachment A**. The items of evidence to be searched for and seized are particularly described in **Attachment B**.

INVESTIGATION/PROBABLE CAUSE

5. On May 4, 2022, Winslow Police Department Officer Perez conducted a traffic stop on TRUAX'S vehicle. Ofc. Perez saw the two male occupants (later identified as TRUAX and his associate Mike Duffy) stuffing items into the center console as he approached the vehicle. Ofc. Perez immediately asked the occupants for their identification. TRUAX gave Ofc. Perez his identification. Duffy told the officer he did not have any identification but said his name was Kyle Duffy and provided a fictitious date of birth.

6. Ofc. Perez believed the passenger's true identity to be Mike Duffy, whom he knew had an active arrest warrant out of Navajo County. Dispatch sent Ofc. Perez Duffy's MVD information and a photo and confirmed the felony arrest warrant. Duffy was arrested and admitted his true name was Mike.

7. TRUAX gave consent to search the vehicle and a shotgun was located on the backseat floorboard and methamphetamine (1.9 grams) was located in the center console. Other evidence of drug paraphernalia and methamphetamine use was located throughout the vehicle, including on the backseat floorboard. The shotgun was not loaded, and officers stated it was within reach of both occupants.

8. Two black backpacks were also discovered in the backseat. Ofc. Perez searched the backpacks at the police station and discovered three magazines totaling 34 rounds of Remington .223 ammunition, and 108 Remington .22 caliber bullets in one of the backpacks.

9. TRUAX admitted he was a prohibited possessor and was arrested. He stated the vehicle was registered to his mother, Elaine Anderson, which was confirmed by officers.

10. On May 5, 2022, your Affiant interviewed TRUAX'S mother, Elaine Anderson, and his sister, Elayne Nez, together at their residence in Dilkon, Arizona.

11. Anderson explained approximately 3.5 years ago her son, Donovan Nez, passed away and he had several firearms. Anderson pointed to a wall safe and indicated they had the safe installed for her late son's firearms. Anderson stated TRUAX stole a .45 caliber Taurus handgun from the safe. Nez had a photo of the .45 with the serial number. According to Nez, TRUAX also has an "AR" style firearm.

12. TRUAX resides in a white trailer behind the house where Anderson and Nez live. Nez explained her bedroom window faces TRUAX'S trailer. Nez stated, "I seen him loading up guns." She explained she saw TRUAX moving firearms from his trailer to his vehicle, including a shotgun, an AR style firearm, and another type of firearm. NEZ stated that this occurred in September 2021, and she went to the Navajo Nation Police Department to report TRUAX. Nez and Anderson are aware that TRUAX is a felon and therefore he should not be in possession of firearms.

13. Nez recalled on Saturday, March 26, 2022, around 8:30 am she saw Mike Duffy at TRUAX'S trailer. Nez was in her bedroom and her curtains were tied up. Nez saw Duffy walk to the front door of the trailer with a shotgun tucked under his armpit. Nez got dressed and told Anderson what she witnessed. Anderson was cooking in the kitchen and saw Duffy walk back to his vehicle.

14. Nez described Duffy's vehicle as a dark gray SUV. Nez stated Duffy used seat covers to roll up the shotgun and place it back in his SUV. TRUAX was sitting in the front seat of the vehicle while this occurred. Nez drew a picture of the shotgun and stated it was unique. Nez described the shotgun as being long and looked "tactical."

15. Anderson stated she knows TRUAX has firearms because TRUAX asks them for ammunition. Approximately one year ago, TRUAX has asked for .223 ammunition, which goes to the "AR" firearm.

16. Your Affiant is aware that .223 ammunition was discovered in TRUAX'S vehicle on May 4, 2022.

17. Nez described conducting inventory checks on the ammunition and firearms within their residence. Anderson stated they were short on ammunition.

18. On May 8, 2022, Anderson contacted FBI Agents and stated that she spoke with TRUAX while he was detained in Navajo County Jail. She stated that TRUAX said the shotgun located in the vehicle on the night of his arrest was his and it had come from their family.

19. On May 10, 2022, TRUAX was indicted in United States District Court, District of Arizona, for violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Felon in Possession of Firearm and Ammunition.

THINGS TO BE SEARCHED FOR AND SEIZED

20. Any firearms or ammunition seized from TRUAX'S residence will further corroborate witness testimony and provide additional evidence of ongoing violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Felon in Possession of Firearm and Ammunition.

21. Laboratory analysis of the firearm(s) will assist in identifying whether the firearm(s) were used or handled by TRUAX.

22. Your Affiant also knows that indicia of ownership, occupancy, and/or use of a residence is important in a criminal case. Such information may help establish the location of a crime, potential and/or likely suspects, and potential and/or likely witnesses. Based on your Affiant's training and experience, indicia of ownership and occupancy includes such things as: mail (e.g., bills) that may be addressed to the occupant(s); driver's licenses and/or identification cards; personal property such as clothing that may identify the owners and/or occupants of the structure; and photographs of the owners and/or occupants at the structure.

23. Based on the foregoing, your Affiant submits that there is probable cause to believe that violations of federal law have occurred and there is evidence of the violations, specifically 18 U.S.C. §§ 922(g) and 924(a)(2), contained at the residence described in **Attachment A**. I request that the Court issue the proposed search warrant for the things described in **Attachment B**.

CONCLUSION

24. Based on the information in this affidavit, your Affiant respectfully submits there is probable cause to believe that evidence described in **Attachment B** supporting an investigation related to violations of 18 U.S.C. §§922 (g)(1) and 924(a)(2) will be discovered in the residence described in **Attachment A**.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.



Jenifer Mulhollen
Special Agent, FBI

5/11/22

Date

Subscribed and sworn to telephonically.

Date/Time: _____

Camille D.
Bibles

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Camille D. Bibles
Date: 2022.05.11
16:40:25 -07'00'

Hon. Camille D. Bibles
United States Magistrate Judge